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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/548,998	04/14/2000	Richard C. Ebersole	BC1002 US NA	7991

23906 7590 11/20/2002

E I DU PONT DE NEMOURS AND COMPANY
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4417 LANCASTER PIKE
WILMINGTON, DE 19805

EXAMINER

LOEB, BRONWEN

ART UNIT	PAPER NUMBER
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1636

DATE MAILED: 11/20/2002

94

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/548,998

Applicant(s)

EBERSOLE ET AL.

Examiner

Bronwen M. Loeb

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☒ Claim(s) 1-5 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☒ Other: See Continuation Sheet.

Continuation of Attachment(s) 6). Other: Copy of Papers Originally Filed information.

DETAILED ACTION

The claims in this case are subject to a new restriction as the previous restriction, mailed 28 September 2001, was incorrect. In May 2002, Mr. Feltham, Applicant's representative, was informed that a second restriction would be forthcoming and was offered the opportunity to submit cancelled claims 6-14 in a preliminary amendment. To date, no preliminary amendment has been received. The following is therefore based on the five claims pending in the case.

Claims 1-5 are pending.

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. §121:
 - I. Claims 1-5, drawn to an isolated 16S rDNA sequence indicative of a dechlorinating bacterial strain and an isolated bacterial strain comprising a 16S rDNA sequence as the claims read SEQ ID NOS: 1, 28 and 34, classified in class 536, subclass 24.32 and class 435, subclass 243, respectively.
 - II. Claims 1, 3 and 5, drawn to an isolated 16S rDNA sequence indicative of a dechlorinating bacterial strain and an isolated bacterial strain comprising a 16S rDNA sequence as the claims read on SEQ ID NO: 2, classified in class 536, subclass 24.32 and class 435, subclass 243, respectively.
 - III. Claims 1, 3 and 5, drawn to an isolated 16S rDNA sequence indicative of a dechlorinating bacterial strain and an isolated bacterial strain comprising

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- a 16S rDNA sequence as the claims read on SEQ ID NO: 3, classified in class 536, subclass 24.32 and class 435, subclass 243, respectively.
- IV. Claims 1, 3 and 5, drawn to an isolated 16S rDNA sequence indicative of a dechlorinating bacterial strain and an isolated bacterial strain comprising a 16S rDNA sequence as the claims read on SEQ ID NO: 4, classified in class 536, subclass 24.32 and class 435, subclass 243, respectively.
- V. Claims 1, 3 and 5, drawn to an isolated 16S rDNA sequence indicative of a dechlorinating bacterial strain and an isolated bacterial strain comprising a 16S rDNA sequence as the claims read on SEQ ID NO: 5, classified in class 536, subclass 24.32 and class 435, subclass 243, respectively.
- VI. Claims 1, 3 and 5, drawn to an isolated 16S rDNA sequence indicative of a dechlorinating bacterial strain and an isolated bacterial strain comprising a 16S rDNA sequence as the claims read on SEQ ID NO: 6, classified in class 536, subclass 24.32 and class 435, subclass 243, respectively.
- VII. Claims 1, 3 and 5, drawn to an isolated 16S rDNA sequence indicative of a dechlorinating bacterial strain and an isolated bacterial strain comprising a 16S rDNA sequence as the claims read on SEQ ID NO: 8, classified in class 536, subclass 24.32 and class 435, subclass 243, respectively.
- VIII. Claims 1, 3 and 5, drawn to an isolated 16S rDNA sequence indicative of a dechlorinating bacterial strain and an isolated bacterial strain comprising a 16S rDNA sequence as the claims read on SEQ ID NO: 30, classified in class 536, subclass 24.32 and class 435, subclass 243, respectively.

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IX. Claim 2, drawn to an isolated 16S rDNA sequence indicative of a dechlorinating bacterial strain as the claim reads on SEQ ID NOS: 12 and 17-20, classified in class 536, subclass 24.32.

X-LII. Claim 2, drawn to an isolated 16S rDNA sequence indicative of a dechlorinating bacterial strain as the claim reads on SEQ ID NOS: 9-11, 13-16, 21-29 and 35-60, classified in class 536, subclass 24.32.

For Groups X-LII, each group is drawn to a single SEQ ID No. For instance, Group XIV includes claim 2 as it reads on SEQ ID NO: 14.

2. The inventions are distinct, each from the other because of the following reasons:

Inventions I-LII are distinct products from each other, having different chemical, biological, structural and functional distinctness from each other, and are not disclosed for use together.

3. Because these inventions are distinct for the reasons given above and the search required for Group I is not required for any of Groups II-LII, restriction for examination purposes as indicated is proper.

4. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

5. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim

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remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Certain papers related to this application may be submitted to Art Unit 1636 by facsimile transmission. The faxing of such papers must conform with the notices published in the Official Gazette, 1156 OG 61 (November 16, 1993) and 1157 OG 94 (December 28, 1993) (see 37 C.F.R. § 1.6(d)). The official fax telephone numbers for the Group are (703) 308-4242 and (703) 305-3014. NOTE: If Applicant does submit a paper by fax, the original signed copy should be retained by applicant or applicant's representative. NO DUPLICATE COPIES SHOULD BE SUBMITTED so as to avoid the processing of duplicate papers in the Office.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bronwen M. Loeb whose telephone number is (703) 605-1197. The examiner can normally be reached on Monday through Friday, from 11:00 AM to 7:30 PM. A phone message left at this number will be responded to as soon as possible (usually no later than the next business day after receipt by the examiner).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dr. Remy Yucel, can be reached on (703) 305-1998.


The fax phone number for the organization where this application or proceeding is assigned is (703) 308-4242.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0196.

Customer service for Tech Center 1600 may be reached at (703) 308-0198.

Bronwen M. Loeb, Ph.D.
Patent Examiner
Art Unit 1636

November 16, 2002


REMY YUCEL, PH.D.
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1600

09/548,998

The following papers have not been made part of the permanent records of the United States Patent and Trademark Office (Office) for this application (37 CFR 1.52(a)) because of damage from the United States Postal Service irradiation process:

Mailroom Stamp Date

Certificate of Mailing Date

26 June 2002

20 June 2002 Paper # 19

The above-identified papers, however, were not so damaged as to preclude the USPTO from making a legible copy of such papers. Therefore, the Office has made a copy of these papers, substituted them for the originals in the file, and stamped that copy:

**COPY OF PAPERS
ORIGINALLY FILED**

If applicant wants to review the accuracy of the Office's copy of such papers, applicant may either inspect the application (37 CFR 1.14(d)) or may request a copy of the Office's records of such papers (*i.e.*, a copy of the copy made by the Office) from the Office of Public Records for the fee specified in 37 CFR 1.19(b)(4). Please do **not** call the Technology Center's Customer Service Center to inquiry about the completeness or accuracy of Office's copy of the above-identified papers, as the Technology Center's Customer Service Center will, **not** be able to provide this service.

If applicant does not consider the Office's copy of such papers to be accurate, applicant must provide a copy of the above-identified papers (except for any U.S. or foreign patent documents submitted with the above-identified papers) with a statement that such copy is a complete and accurate copy of the originally submitted documents. If applicant provides such a copy of the above-identified papers and statement within **THREE MONTHS** of the mail date of this Office action, the Office will add the original mailroom date and use the copy provided by applicant as the permanent Office record of the above-identified papers in place of the copy made by the Office. Otherwise, the Office's copy will be used as the permanent Office record of the above-identified papers (*i.e.*, the Office will use the copy of the above-identified papers made by the Office for examination and all other purposes). This three-month period is not extendable.

Part of Paper No. 24